

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 \* \* \*

9 VICTOR TAGLE,

Case No. 3:17-cv-00561-MMD-WGC

10 Plaintiff,

ORDER

11 v.

12 STATE OF NEVADA, *et al.*,

Defendants.

13  
14 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by  
15 a state prisoner. On May 29, 2018, this Court issued an order directing Plaintiff to file his  
16 updated address with this Court within thirty (30) days. (ECF No. 4.) The thirty-day period  
17 has now expired, and Plaintiff has not filed his updated address or otherwise responded  
18 to the Court's order.

19 District courts have the inherent power to control their dockets and “[i]n the  
20 exercise of that power, they may impose sanctions including, where appropriate . . .  
21 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831  
22 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure  
23 to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
24 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance  
25 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for  
26 failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856  
27 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring  
28 *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833

1 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*  
2 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and  
3 failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey  
5 a court order, or failure to comply with local rules, the court must consider several factors:  
6 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
7 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
8 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
9 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;  
10 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in  
12 expeditiously resolving this litigation and the Court's interest in managing the docket,  
13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
14 in favor of dismissal, since a presumption of injury arises from the occurrence of  
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See  
16 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy  
17 favoring disposition of cases on their merits—is greatly outweighed by the factors in favor  
18 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
19 the court's order will result in dismissal satisfies the "consideration of alternatives"  
20 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
21 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the  
22 Court within thirty (30) days expressly stated: "IT IS FURTHER ORDERED that, if Plaintiff  
23 fails to timely comply with this order, the Court shall dismiss this case without prejudice."  
24 (ECF No. 4 at 2.) Thus, Plaintiff had adequate warning that dismissal would result from  
25 his noncompliance with the Court's order to file his updated address within thirty (30)  
26 days.

1 It is therefore ordered that this action is dismissed without prejudice based on  
2 Plaintiff's failure to file an updated address in compliance with this Court's May 29, 2018  
3 order.

4 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
5 is denied as moot.

6 It is further ordered that the Clerk of Court enter judgment accordingly.  
7  
8

9 DATED THIS 5<sup>th</sup> day of July 2018.  
10



---

11 MIRANDA M. DU  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28